

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	Criminal No. 3:09-CR-249-D
	§	
NATHAN TODD SHAFER (5)	§	

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, in the Fourth Superseding Indictment in this case, the United States of America (“the Government”) sought forfeiture from defendant Nathan Todd Shafer (“Shafer”) pursuant to his conviction on Count One and 18 U.S.C. §§ 981(a)(1)(C), including the following property:

Money Judgment

1. The total amount of proceeds obtained, directly or indirectly, as a result of the offense in Count One of the Fourth Superseding Indictment, which is \$3,262,909.50.

Personal Property

2. The following personal property for Shafer’s conviction under Count One:
 - (a) \$250 of \$2,652.96 in funds contained in Account XXXXXX2104 in the name of Spider Development Corporation at JPMorgan Chase Bank, Dallas, Texas, seized on or about March 11, 2009.

WHEREAS, a federal trial jury found Shafer guilty of Count One of the Fourth Superseding Indictment;

WHEREAS, the record in this case, including, but not limited to, the trial record and evidence from the asset forfeiture hearing support the forfeiture of the property;

WHEREAS, as a result of the record in this case, the Court has determined that the Government has established the requisite nexus between the offense in Count One and the property designated for that count and that the property is subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c) and further that a money judgment should issue for the amount of proceeds from Count One of the Fourth Superseding Indictment in the amount of \$3,262,909.50;

And WHEREAS, as a result of the record in this case, the Court has determined that the Government has established that it is entitled to seek substitute assets of the defendant pursuant to 21 U.S.C. § 853(p);

IT IS HEREBY ORDERED that any proprietary interest Shafer has in the following property is condemned and forfeited to the United States subject to the provisions of 21 U.S.C. § 853(n):

Money Judgment

1. The total amount of proceeds obtained, directly or indirectly, as a result of the offense in Count One of the Fourth Superseding Indictment, which is \$3,262,909.50 for which Shafer is jointly and severally liable with any codefendants convicted of that same count of the Fourth Superseding Indictment;

Personal Property

2. The following personal property for Shafer's conviction under Count One and in partial satisfaction of Shafer's money judgment:

- (a) \$250 of the \$2,652.96 in funds contained in Account XXXXXX2104 in the name of Spider Development Corporation at JPMorgan Chase Bank, Dallas, Texas, seized on or about March 11, 2009 which the trial jury determined by special verdict to be directly forfeitable as proceeds of the offense in Count One;
- (b) the remaining \$2,402.96 of the \$2,652.96 in funds contained in Account XXXXXX2104 in the name of Spider Development Corporation at JPMorgan Chase Bank, Dallas, Texas, seized on or about March 11, 2009 as substitute proceeds for the offense in Count One;
- (c) \$11,112.46 in funds belonging to Shafer, which are currently in the possession of his attorneys and which are hereby forfeited as substitute proceeds for the offense in Count One.

IT IS FURTHER ORDERED that, pursuant to 21 U.S.C. § 853(g) and Fed. R. Crim. P. 32.2(b)(3), the forfeitable property shall be seized by the Attorney General, or his duly authorized representative, and held in its secure custody and control pending a final order of forfeiture.

IT IS FURTHER ORDERED that counsel for Shafer shall surrender the \$11,112.46 of Shafer's money to the United States Marshals Service (USMS).

IT IS FURTHER ORDERED in accordance with 21 U.S.C. § 853(n)(1) and Fed. R. Crim. P. 32.2(b)(3), the Attorney General (or his designee) shall post notice on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, notice of this Preliminary Order of Forfeiture; notice of the Government's intent to dispose of the property; and notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the Court no later than 60 days after the first day of publication on an official internet government forfeiture site, and serve a copy thereof on Walt M. Junker, Special Assistant United States Attorney,

1100 Commerce Street, Third Floor, Dallas, Texas 75242. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property; shall be signed by the petitioner under penalty of perjury; and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, and any additional facts supporting the petitioner's claim and the relief sought. The Government shall send, by means reasonably calculated to reach the person, direct written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture, as a substitute for posted notice on the government forfeiture site, as to those persons so notified.

It is FURTHER ORDERED pursuant to Fed. R. Crim. P. 32.2(b)(3) that the Government may apply to the Court to conduct any discovery that the Court considers proper to help identify, locate, or to dispose of the property, should the circumstances present themselves, and that, upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(c) in which all interests will be addressed.

SIGNED May 24, 2012.


SIDNEY A. FITZWATER
CHIEF JUDGE